

## REMARKS

Claims 1 through 17 and 37 through 50 were withdrawn from consideration as being directed to a non-elected invention, and have been canceled herein by the amendment. The Examiner has rejected Claims 18 through 36. Claims 18 through 36 are pending.

### **Rejection under 35 U.S.C. §103:**

Claims 18 through 36 have been rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Berry U.S. Patent No. 5,869,072 in view of Mansouri U.S. Publ. App. 2001/0006680 and Murray et al. U.S. Patent No. 4,920,158 “and further supported by applicants’ admissions”. Applicants respectfully traverse this rejection for the following reasons.

The Examiner argues that Berry teaches an elastomeric article (glove) with a coating composition on the skin-contacting surface in dry state and hydratable upon contact with the skin. The Examiner argues that examination and surgeon’s gloves are intended use limitations that do not result in structural differences and the “prior art structure is capable of performing the intended use.” The Examiner argues that Berry is absent a polyhydric alcohol moisturizer and alphahydroxy lactone ingredients.

First of all, the Examiner errs in alleging that Berry teaches an *elastomeric* glove. Berry teaches nothing of the kind. Rather, Berry teaches a glove formed of a mesh or scrim material.

The Examiner errs in alleging that the prior art structure (Berry scrim/mesh glove) is capable of performing Applicants’ medical examination and surgeon’s function.

Again, a porous mesh or scrim material is not suitable, nor would it perform, according to medical examination and surgeon skin protection standards. In addition, the interaction between the Berry lotion and the mesh/scrim material as described in the Berry Abstract, could not occur with an elastomeric substrate such as rubber.

The Examiner is correct in that Berry is absent both essential ingredients to Applicants' claimed invention – a polyhydric alcohol moisturizer such as panthenol and alpha hydroxy lactone.

The Examiner relies upon two references – Mansouri and Murray – neither of which have anything to do with coated glove technology. The Examiner asserts 1) that Aloe vera and panthenol are known equivalent moisturizer/anti-inflammatory agents according to Mansouri, and 2) that propylene glycol and gluconolactone are known equivalent plasticizers in Murray, and 3) therefore one of ordinary skill in the art would consider these ingredients to be recognized equivalents in skin compositions, and 4) therefore one would have found their substitution to Barry obvious.

Mansouri pertains to a skin moisturizer lotion and Murray pertains to a hydrogel wound dressing or skin lotion. Neither Mansouri nor Murray pertain to glove coatings or elastomeric glove surfaces. Even more substantially flawed is the implied basis of the Examiner's combining of the references, i.e., that all skin moisturizers are readily interchangeable with one another irrespective of chemical compatibility among themselves or that to which they may be applied, as well as readily interchangeable equivalents irrespective of a possible substrate or usage context. Clearly, this is not scientifically sound.

None of these references individually, or in combination, teach or fairly suggest

the combination of features required in Applicants' claimed invention – 1) an elastomeric substrate (article), 2) polyhydric alcohol moisturizer (e.g., panthenol) AND 3) alphahydroxy lactone. It is also not understood by Applicants how these references could have allegedly motivated one of ordinary skill to arrive at Applicants' claimed invention when even their combination of is *still* devoid an elastomeric article, among other things. The Mansouri and Murray teachings share little more with Barry than “skin” – and this is not enough to support obviousness. The creative fabrications and unsubstantiated alleged equivalencies presented by the Examiner support inappropriate hindsight and gap-filling. The Examiner has thus failed to present a set of references that are adequate to support a proper rejection on obviousness grounds.

Given the above, the claimed invention is not unpatentable over the above references within the proper meaning of 35 U.S.C. §103. This rejection should, therefore, be withdrawn.

Claims 19 through 22 have been rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Berry U.S. Patent No. 5,869,072 in view of Mansouri U.S. Publ. App. 2001/0006680 and Murray et al. U.S. Patent No. 4,920,158 and further in view of Dresdner, Jr. et al. U.S. Patent No. 5,357,636. Applicants respectfully traverse this rejection for the following reasons.

The Examiner further relies on Dresdner for a teaching of examination and surgeon's glove materials, concluding that one of ordinary skill would have found the modification of Barry and Mansouri and Murray applied to Dresdner gloves to be obvious.

The shortcomings of the Barry, Mansouri and Murray references are discussed above in Applicants' response to the Examiner's 103 rejection, and are likewise applicable here and repeated herein. In addition to the absence of a sensible relationship between ingredients argued in the Mansouri and Murray references and the Barry mesh glove, no suggestion is seen to one of ordinary skill in the art as to a modification of Barry to use the Dresdner elastomers. Again, rubber articles such as gloves would not function in Berry's invention as described. Therefore, a reasonable motivation to combine and modify as suggested by the Examiner is not seen. The Examiner has, thus, failed to present a set of references, alone or in combination, that can adequately support a proper rejection under 35 U.S.C. §103.

Given the above, the claimed invention is not unpatentable over the above references within the proper meaning of 35 U.S.C. §103. This rejection should, therefore, be withdrawn.

Claims 30 and 36 have been rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over Berry U.S. Patent No. 5,869,072 in view of Mansouri U.S. Publ. App. 2001/0006680 and Murray et al. U.S. Patent No. 4,920,158 and further in view of Bazin et al. U.S. Patent No. 6,001,367. Applicants respectfully traverse this rejection for the following reasons.

The shortcomings of the Barry, Mansouri and Murray references are discussed above in Applicants' response to the Examiner's 103 rejection, and are likewise applicable here and repeated herein. Again there is an absence of a sensible relationship between ingredients argued in the Mansouri and Murray references and the Barry mesh

glove.

As to Bazin et al. and chitosan, the Examiner argues that chitosan and chitin are well-known equivalents in naturally occurring polymers for use in skin coating compositions. The Examiner has failed to present a rationale as to why one of ordinary skill in the art would link chitosan to an easltomeric article or Barry, or even why there would be a motivation to mix with Mansouri or Murray compositions. The basic showings for a prima facie case of obviousness are not seen by Applicants.

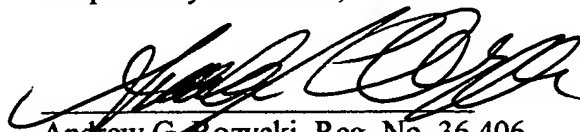
Given the above, the claimed invention is not unpatentable over the above references within the proper meaning of 35 U.S.C. §103. This rejection should, therefore, be withdrawn.

**Conclusion:**

In light of the amendments to the claims and above remarks, it is believed that the application is now in condition for allowance, and prompt notification to that effect is earnestly solicited. The Examiner is invited to contact the undersigned to discuss the application on the merits if it is believed that such discussion would expedite the prosecution.

Respectfully submitted,

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Andrew G. Rozycki, Reg. No. 36,406  
Attorney for Applicants  
Cardinal Health, Inc.  
7000 Cardinal Place  
Dublin, Ohio 43017  
Tel. (614) 757-7413

**Fax (614) 757-2243**